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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,013	11/24/2003	Francesc Casas Salva	MDR-0004	9165
34610	7590	02/12/2007	EXAMINER	
FLESHNER & KIM, LLP P.O. BOX 221200 CHANTILLY, VA 20153			CHAMBERS, TROY	
			ART UNIT	PAPER NUMBER
			3641	
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	02/12/2007	PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/719,013	SALVA, FRANCESC CASAS	
	<b>Examiner</b>	<b>Art Unit</b>	
	Troy Chambers	3641	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 17,19-39 and 43-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 17,19-28,32,33,37-39 and 43-48 is/are rejected.
- 7) Claim(s) 29-31, 34-36 is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 17-25, 33, 38, 39 and 43-47 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5711286 issued to Petrosyan et al. (hereinafter “Petrosyan”).

3. With respect to claim 17, Petrosyan discloses a compressed gas gun comprising a barrel 200 within a barrel zone; a trigger 510 within a trigger zone; a stock zone comprising an ammunition magazine 400, gas cylinder 300, a valve assembly 270 including a valve chamber 170, a sealing device formed by the connection between the barrel 200 and valve assembly as shown in Fig. 15. The trigger 510 has a forward portion 514 (portion 514 extends in both the forward and rearward directions) connected to a spring 525 and a catch portion 530. Once the trigger is pulled, rearward movement of the barrel traps an awaiting BB in a barrel tube and separates it from the remaining column of BBs (Col. 22, ll. 20-33; Fig. 10).

4. With respect to claims 19-22, refer to Figs. 10, 11, 14 and 17, which shows the rearward progression of the barrel 200 as it picks up an awaiting BB, pellet via loading port 240 and separates it from the remaining column of BBs.

5. With respect to claim 23-25 and 33 refer to Figs. 14, 15, 18 and 19 and column 17, line 22 to column 19, line 2.

6. With respect to claims 38, 39 and 43-47, refer to the rejection of claims 17-25.

Also included is a sliding cover 230 that moves to the rear when the trigger is pulled and the sear 530 disengages rear faces 251.

7. Claims 17, 19-24, 26, 27, 38, 39, 43, 44-46 and 48 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5509399 issued to Poor. Poor discloses a barrel 24/100, trigger, ammunition magazine 16, gas cylinder 50, valve chamber and a sealing device 100. The trigger's forward portion is in contact with a spring 64 and is linked to barrel 100 catch portion 108. The sealing device is a combination of the barrel 24 and barrel extension 100.

8. The gun further comprises a magazine 16 that is connected to a firing chamber through an opening as shown in at least Fig. 1., the magazine further comprising a push member 38 in combination with a spring 40.

9. The gun further comprises a slide assembly comprising a sliding cover and a connection mechanism comprising a protuberance on hammer 114 (extended area on side facing toward barrel) and a pawl 122.

10. With respect to claims 38, 39 and 43-45 refer to the rejection of the previous claims above which discussed the combination barrel 24, 100 performing the sealing functions as claimed.

11. With respect to claim 46, refer to the rejection of the magazine components as discussed above.

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12. With respect to claim 48, refer to the rejection of the applicant's claims regarding the sliding cover and connection mechanism (claims 17, 26, 27) comprising a pawl and protuberance.

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over any one of Petrosyan or Poor in view of US 6389728 issued to Lundy. Petrosyan and Poor disclose a gun as discussed above. However, neither discloses a safety catch as claimed by the applicant. Lundy discloses such a safety. Specifically, Lundy discloses a safety catch 20 connected to the trigger (col. 1, ll. 66-67) and connected to interfere with a stop 52 provided in a sliding cover. When the catch is in the unlocked position, the trigger may be pulled to fire the gun. When the catch is in the locked position, the trigger may not be pulled to fire the gun. At the time of the invention, one having ordinary skill in the art would have found it obvious to provide the gun of either Petrosyan or Poor with the lock of Lundy. The suggestion/motivation for doing so would have been to prevent an unwanted firing of the gun.

15. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over any one of Petrosyan or Poor in view of US 6389728 issued to Lundy. Petrosyan and Poor disclose a gun as discussed above. However, neither discloses a voluntary safety

element as claimed by the applicant. Lundy discloses such a safety. Specifically, Lundy discloses a slide having a recess containing a locking mechanism as shown in Fig. 1 in which a toothed key fits when it is desired to lock the gun. To disengage the lock, the key is inserted, turned and removed. At the time of the invention, one having ordinary skill in the art would have found it obvious to provide the gun of either Petrosyan or Poor with the lock of Lundy. The suggestion/motivation for doing so would have been to prevent an unwanted firing of the gun.

16. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over either one of Petrosyan or Poor in view of US 20030101632 issued to Davenport. Petrosyan and Poor disclose a gas gun as discussed above. However, neither reference discloses a gun having a plurality of longitudinal channels disposed on the sides of a barrel zone. Davenport discloses a mounting assembly 100 for guns having rails that provide slots for mounting accessories. At the time of the invention, one having ordinary skill in the art would have found it obvious to provide the guns of either Petrosyan or Poor with the mounting assembly of Davenport. The suggestion/motivation for doing so would have been to allow for the mounting of extra devices such as flashlights or lasers.

***Allowable Subject Matter***

17. Claims 29-31, 34-36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

18. Applicant's arguments filed 08/15/2006 have been fully considered but they are not persuasive.

19. With respect to the application of Petrosyan to the rejected claims, applicant argues that the art does not include "any type of hammer mechanism, let alone a hammer mechanism that operates a valve element." However, this statement appears to be incorrect. Petrosyan clearly discloses a hammer 250 and a barrel that moves rearward upon pulling of the trigger (col. 22, ll. 34-60). With respect to claim 38, applicant argues that there is no moving cover. However, Petrosyan clearly discloses moving cover 230.

20. With respect to the application of Poor to rejected independent claim 38 the applicant argues, "Poor lacks any type of barrel which can be partially inserted into a firing chamber." However, the rear end of the barrel forms the firing chamber. Also, the sliding cover is disclosed at col. 7, ll. 45-61. If the cover was not coupled to the trigger it would not work.

***Conclusion***

21. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Troy Chambers whose telephone number is (571) 272-6874 between the hours of 7:00 a.m. to 3:30 p.m., M-F. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael J. Carone, can be reached at (571) 272-6873.

Troy Chambers  
Primary Examiner -  
Art Unit 3641

TC  
02/06/2007